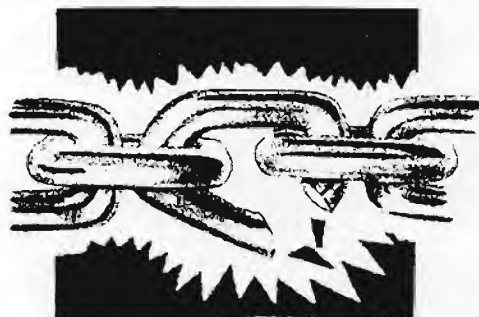




Voices.Con

Term-to-Life Prisoners Converse



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NOVEMBER 2013

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STATE GAMESMANSHIP OVER PRISON POPULATION REDUCTION

There appears to be plenty of "spin" to go around, in relation to the prison and parole industries of today. This is particularly true in matters concerning the prisoner population reduction order currently imposed on California's prison system, and the ongoing controversy over the best way to approach the possible early release of prisoners.

The first thing that comes to mind, especially if you happen to be a person serving a term-to-life sentence, is why are they even considering the "early release" of any prisoners when California law strictly, and specifically, prohibits it. (e.g., Proposition 9, "Marsy's Law") The state adopted Prop. 9 in 2008. It mandates that under no circumstances shall the state permit the release of prisoners due to the overcrowded prison conditions.

However, CA currently houses (confines) thousands of term-to-life prisoners, who have already served decades of their life behind bars and are now serving time well in excess of the base-term imposed by the court. Most of these prisoners have also been forensically assessed to be of low risk, if released. Being that these prisoners have already been incarcerated beyond their base-term, the release of these (low risk) prisoners could only be deemed a timely release, not an early release.

It should be noted that we realize the fact that the Three-Judge

Court has allowed the State of California to waive various state regulations and Penal Codes in order to meet the mandated population reduction. However, CA's Prop. 9 was adopted as a constitutional amendment, not just a change in Penal Code. So, what kinds of deceptive spin has the state resorted to which could prove effective in the state's need to "wag the dog." Obviously they need a distraction that permits the state to suddenly skirt the law when it no longer serves its purpose.

Much of the political gamesmanship has been deployed to negate the court ordered population reduction. Several prison officials, politicians; and other people with a "lock-em up" agenda, have appeared in the papers and TV or radio news programs, making the (false) claim that the prison system's medical/psych care has now risen to a humane standard. (Of course, they know there's no way the public can check this.) They also claim, and have testified before the Legislature, that they are converting several state prisons into "Hubs" filled with hundreds of new vocational and academic programs. (Also knowing that the Legislature will simply take their word for it.)

The fact is, there still remains a net loss of programs if one were to look at the bait-and-switch game they've been playing over the previous 10 years. In reality, the number of vocational/academic

population REDUCTION, cont'd

programs in CA's prisons today, even the so-called "Hubs," pale in number when compared to just 5 years ago. Though many vocational shops have (at Hub prisons) been re-opened recently, this is merely the re-start of programs they had previously shut down. Perhaps 2 out of 10 such programs re-opened as a different program than it once was, but there has been no actual net gain in the number of programs whatsoever. —And we're only talking about the Hub prisons here— The majority of CA's state prisons remain without the "Hub" status, and therefore continue to suffer a net loss of vocational/academic programs. So, how accurate are these prison official's claim that rehabilitation is on their list of priorities to fight the state's dismal 70% recidivism rate?

If we on the inside are experiencing no apparent overall increases in vocational/academic (rehabilitative) programming at our individual prisons, and there seems to be no noticeable changes in the medical/psych delivery system, then perhaps it would be wise to let it be known to your family, friends, the members of your state Legislature (Senate Rules Committee) and the attorneys representing Plaintiffs in the Coleman/Plata case. (One of the lead attorneys is Donald Specter of the Prison Law Office.) These issues all involve the overcrowded conditions in California's prisons and the many issues covered by the Plata case, which is currently being arbitrated in a California Court of Appeals.

The courts and the Legislature should know that all of these fairytales about increased rehabilitation, decreased recidivism, and an improved medical/psych care delivery system are little more than the avoidance of the real question; how does the state intend to reduce its prison population, and which prisoners pose the least risk upon release?

* COLEMAN/PLATA UPDATE *

On October 21, 2013, Judge Peter Siggins of the Court of Appeals (1st Dist.) reported to the Three-Judge Court, which currently has the CA Dept. of Corrections & Rehabilitation (CDCR) under order to reduce its population, that the State Attorneys and Plaintiffs have not yet come to any agreement. As a result, the Three-Judge Court gave the parties additional time to conduct the "Meet-and-Confer" process, extending its deadline until November 18, 2013.

Within the Three-Judge Court's order, which was titled "Order Extending Meet-And-Confer Process," the Court also moved the deadline date which the CDCR was required to reduce the population down to 137% of design capacity. The new date is now February 24, 2014. The order stated that it was "without prejudice to the parties filing a **joint** request for a further extension.." This means that further extensions of time could come, if both parties should agree it's necessary.

COST OF PRISONS?

The CDCR has announced that they will spend \$3.5 billion to build 15 new mental health facilities throughout the state.

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DETERMINATION

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is not a lack of strength,
not a lack of knowledge,
but rather a lack of will.

VINCE LOMBARDI

THE VALUE OF OUR EFFORTS

Everyone at some point comes to regret some choice they have made, because they missed out on an opportunity due to a priority they had. As the saying goes, "hindsight is 20/20," and if we had only known, we would have chosen differently. Sometimes the situation is staying home and missing the surprise concert at the mall with our favorite musician, other times it is going out shopping maybe, and missing our child's first word, or first steps. Whatever the case, if we had had some prior knowledge somehow, the choice to stay or go would've been really easy to make.

Other times we do have some indication of the value of our choices, but we focus on the short-term sacrifices instead of the long-term benefits which might result. For instance, if our plans are to spend the afternoon exercising, and an opportunity presents itself where we could spend some time with a friend and possibly make a difference in their lives, or our relationship. Our first inclination may be a selfish one in wanting to exercise, instead of skipping our workout and investing some time and compassion into building our relationship.

But if we look at this situation and compare short-term sacrifices (not exercising) with long-term benefits (making a difference in a friend's life and their happiness), all of the sudden, the choice becomes quite obvious. Unfortunately though, too often we only perceive the choice between exercising and not exercising, and we don't see the choice as being anything more than the instant gratification, or the denial of that gratification. Our ability to delay gratification comes with maturity, self-discipline, and a willingness to see beyond oneself.

To help us in these situations, it's important that we have a perspective which allows us to make the choice we would have made in hindsight. The truth of this is, it's only a sacrifice if we view it that way. Our perspective, and our values, could say that helping others and taking advantage of opportune moments, is important to us, even when the initial decision to do so is difficult or we may experience some discomfort by doing so. If we

gain the perspective which allows us to accept that the long-term gains are worth any short-term discomfort, then the decision again becomes easy for us.

Something else which is a great help in making these decisions for ourselves, is the understanding that our greatest moments of growth usually come from those moments of great sacrifice; when we are able to get outside ourselves and really connect with a larger vision of the world. It is those times when we truly put others before ourselves and allow for the opportunity to relate to, and help others, which brings us the feelings of satisfaction, usefulness, and inner peace. It is this inner peace which affects how we feel about our place in the world and in the lives of those around us. It's what makes everything worthwhile and creates happiness for our souls.

Most of us lead busy, hectic lives, but we cannot let these moments for growth and spirituality pass us by. Yes, we need to exercise, run errands, and do a multitude of other things for ourselves. The point is, we also need to live our lives in a way which allows for flexibility when

(Cont'd on page 4)

PRIVATE PSYCHOLOGICAL EVALUATION FOR LIFERS

Many lifers are receiving CDCR/BPH FAD psychological evaluations indicating a moderate or high risk that they do not deserve, based upon the misuse of actuarial measures. This will result in a BPH lengthy denial and many more years of suffering.

A private psychological evaluation, arranged with the help of your attorney, will correct this injustice and in many cases result in your deserved release. If you have such a denial, a new psych report is new evidence, allowing you to go back to the board sooner.

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of our EFFORTS, cont'd
 we recognize the short-term aspects and long-term aspects of our decisions, and the human lives which may be affected by those decisions. This isn't about a life of complete selflessness, but one of balance which includes selflessness, because if we are to continue to grow ourselves, we must understand that other people are an essential part of our growth and inner peace.

IN THE BOARD'S DISCRETION

Most term-to-life prisoners in the present day realize that we must become familiar with the legal statutes governing parole, and we must also keep current with parole related case law. The Penal Code and CA's "Title 15," while serving as a framework or basis, are outdated and nearly outmoded as the authority on the finer points of suitability for parole in the California system, be it prison or courts. It should not be this way, but it is. The question is why.

The Board itself has the authority to determine the "matrix," the 9 square graph by which the Board is supposed to determine the length of an offender's sentence, given certain case factors. But the matrix has not been updated, nor have any of the other Title 15 relevant guiding descriptive instructions, since they

(Cont'd on page 6)

** EVIDENCE BASED **

O B J E C C V I S B D L A U T C A
 Y A I V I S I B L E O L S G E C P
 N T S E F I N A M O D T I S L E G
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 N A E V I T C E J B O M T H E A S

- | | |
|-----------------|------------------|
| 1) Accredited | 13) Objective |
| 2) Actual | 14) Obvious |
| 3) Believed | 15) Plausibility |
| 4) Capable | 16) Probability |
| 5) Confirmed | 17) Proven |
| 6) Convincing | 18) Rational |
| 7) Credible | 19) Reasoned |
| 8) Data | 20) Reliable |
| 9) Effective | 21) Studied |
| 10) Established | 22) Tested |
| 11) Evident | 23) Trustful |
| 12) Manifest | 24) Visible |



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LITTLE KNOWN REASONS TO PAY ATTENTION



Have you ever gone to your psych evaluation interview and came away feeling like you were hit with what seemed like a lot of seemingly irrelevant questions? If so, you might want to go to your library and check out some of the published literature on prediction of recidivism through the study of institutional behavior. Here's one study you may find of interest:

By Zamble, E. & Porporino, F. (1990) "Criminal Justice and Behavior"

A variety of current behavioral or cognitive measures were also reasonably predictive of reoffending. Prisoners who had little respect for the legal system, who gave little thought to their past or future, and who socialized extensively with other others in prison rather than spending time in their cells were the most likely to become recidivists.

Did your psychologist ever ask you questions like, "Do you feel you were given a fair trial?" or "Where do you see yourself ten years after prison?" or "How many friends and associates do you have at your facility?" and "How often are you in your cell and how do you spend that time?" In light of the above study, suddenly those questions make sense. Something to think about.

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- * The total U.S. prison population is now 1,506,934 prisoners.
- * The total U.S. jail population is now over 735,000 prisoners.
- * In 2012, California's prison population was 133,883 prisoners. Of those prisoners, over 30% were serving some form of a life term.
- * In 2012, Utah reported that over 29% of their prisoner population was serving some form of a life sentence.
- * In 2012, Nevada reported that over 21% of their prisoner population was serving some form of life sentence.
- * In 2012, Massachusetts reported that over 19% of their prisoner population was serving some form of a life sentence.
- * The state of Texas now holds the record for having the largest prisoner population at 150,782 prisoners. However, only 6% of their prison population is serving a life term.
- * In contrast, Indiana with a population of 28,270 prisoners, only 0.9% are serving a life term of any kind.

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board's DISCRETION, cont'd
were "reformed" in 1977. The abuses that existed then, which spurred and demanded that the parole board be reformed are, according to an Appellate Court Judge in his Dissenting Opinion of a recent case that challenges the way the Board currently operates, the exact same abuses that existed in 1975 when the landmark Rodriguez case was decided. That decision culminated in the total reform of the Board, to its current incarnation. As in changing "CDC" to "CDCR," a turd still stinks no matter what you call it.

Judge Anthony Klein put everyone on notice that the exact abuses that we see with the parole board today are the same abuses that the Rodriguez court was supposed to remedy. Yet, here we are again. The Rodriguez reforms might have lasted 15 years, at best. Not long enough to have any palpable effect, for the "tough on crime" new term-to-life sentences which were enacted in 1977 had not enjoyed sufficient time to mature, so no one had yet seen the parole board under the new sentencing scheme before the Board was again corrupted, subverting the Rodriguez reforms. In 1991, the door slammed, and for 20 years almost no one with a term-to-life sentence actually paroled.

The abuse was in the Board and their policies. They were afforded nearly unlimited discretion, and political considerations put undue pressures on the process. The Rodriguez reforms fell to the wayside and now we're back to the same problems again. We dutifully litigate, but the state courts of today are mostly conservative and seldom will grant a petition from a convicted felon, even with a solid showing.

We have an elite group of individuals that make up the CA Board of Parole Hearings. They have no direct oversight, are insulated and prosecutorially immune, and have created their own "division" of psychologists (who also have no discernable oversight) that produce "reports" for their purposes, all masquerading as due process.

Discretion is the key; ultimate say-so. It is the reason why the Board subverted the Rodriguez court's decision in less than 15 years; why it created the FAD; why the Title 15 has not been updated (nor the matrix); why the Board has

a legal division; why the Attorney General vehemently fights every court challenge; and ultimately why term-to-life prisoners in California have been pressed into the position of having to become so intimate with the law that some may easily qualify to do Paralegal work. Let's be honest, judges are not immune from the body politic. Many have aspirations of their own and are loathe to lose face to their peers. Our current body of judges in CA courts appear to have suffered a lapse of clear cognitive connectiveness to the spirit of the constitutional rights afforded the individual in amendments 4 thru 14: the protections against arbitrary government actions.

It should not be this way, but it is. This is a slow and tedious war, but we must continue to fight the good fight. Not just for ourselves, but for our families and those who support us and have continued to support us over the many years. Hope to see you in court.

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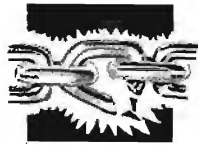
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Voices.Con is an excellent source of nuts and bolts information relating to parole preparation, parole related politics, understanding parole law and current rulings and the importance of retaining the proper counsel and psychologists for parole hearings. This information is provided exclusively by long-term prisoners who have been there and are currently experiencing the ups and downs of the parole process. We are sorry to say that we do not have the resources to hire staff lawyers or provide legal documents of any kind. **We do maintain a mailing list for paid monthly newsletter subscriptions (\$11 annually.)** The Voices.Con newsletter and all past editions, may be downloaded at no cost by any friend or family member at the VoicesDotCon.org website. On occasion, we may have a current or past edition that can be mailed to a prisoner who has nobody else to download it for free. However, this remains completely contingent on the number of donations received at our mailing address. **Please include a Self Addressed Stamped Envelope in any correspondence requiring a response.**

A FEW FACTS TO REMEMBER

- ⇒ Today, more prisoners in U.S. prisons are serving life terms than ever before. With a U.S. prison population of 2.3 million people, 140,610 are serving life terms.
- ⇒ California's prison system peaked at 173,000 prisoners in 2007, making it the largest prison system in the nation. With 34,164 prisoners serving life terms, it also has the most lifers.
- ⇒ In Alabama, California, Massachusetts, Nevada, and New York, at least 1 in 6 prisoners are serving a life term.

SUGGESTED GUIDELINES FOR SUBMISSIONS

1. We have only one agenda; advocating on behalf of the term-to-life prisoner and distributing information that will further this cause, enabling the term-to-life prisoner to effectively advocate on his or her own behalf.
2. You may write an essay/article on any related subject or issue of concern to the term-to-life prisoner population.
3. We prefer that all submissions be between 250 and 500 words. Please clearly print or type all submitted material.
4. We also accept and encourage all submissions of topical artwork. Please include a Self Addressed Stamped Envelope with any submissions of artwork or written material where a return has been requested.

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